



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,825	08/10/2001	Michihiro Ota	1110/83496	6242
24628	7590	09/01/2005	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			WU, RUTAO	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/927,825	OTA ET AL.	
	Examiner	Art Unit	
	Rutao Wu	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 7, 10-12, 14, 16, 18 and 21-22 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent Application Publication US

2002/0013174A1 to Murata in view of U.S. Patent Application Publication

2002/0016776A1 to Chu et al.

As per claims 1 and 12, Murata discloses in his application that the point information is sent by the user to a center unit with identification information of the user [45], [46]. Point that correspond to the sent point information are stored and managed for the user by the center unit [40], [41]. Digital contents are distributed to the user upon a request from that user for distribution of desired digital contents, based on points stored and managed for this user [41], [42]. Update means provided in the center unit for decrypting the point information sent using the communication means and updating the points that are stored and managed for the user by point corresponding to the point information [41].

Murata does not disclose a vending machine having point information presentation means for presenting prescribed point information to a user of the vending

Art Unit: 3639

machine to correspond with a sales operation based on insertion of a prescribed amount of money.

Chu discloses in his application that a user can accumulate points either by purchase or by free promotions. Payment for points can be via monthly billing or instant credit card charge [30].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Murata's invention to allow purchase of points by the users. One would be motivated to perform such modification to increase the options users have to accumulate points for digital content.

As per claims 3 and 14, Murata further disclose wherein the point information presentation means presents the point information to the user by displaying the point information on a display unit provided on the vending machine. [41], [43], [51]

As per claims 5 and 16, Murata further disclose wherein the point information presentation means presents the point information to the user by transmitting the point information to communication equipment of the user by communication between the vending machine and the communication equipment. [45], [46], [47]

As per claims 7 and 18, Murata further disclose wherein the communication equipment includes a portable telephone set carried by the user, and the point information presentation means presents the point information to the user by transferring the point information to the portable telephone set using either wired, wireless, infrared, or audio communication. [25], [46]

As per claims 10 and 21, Murata further disclose wherein the center unit is provided with a user database that stores and manages the usage status of the system by the user in correspondence with identification information for the user sent by the user. [40], [51]

As per claims 11 and 22, Murata further disclose wherein the center unit is provided with perusal means that, upon a request from the user, allows the user to peruse the point stored and managed for that user. [48], [51]

3. Claims 2, 4, 6, 8-9, 13, 15, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murata and Chu and further in view of U.S. Pat. No. 6,056,289 to Clapper, JR.

As per claims 2,4,6,13,15,17 Murata does not disclose in his application module code relating to issue of the point information and secret code that represents the points wherein at least the secret code is encrypted and presented to the user. Point information presented by printing the point information from the vending machine onto prescribed paper, or the point information presented by previously attaching a printed material onto which the point information has been printed to a dummy product.

Clapper JR discloses in his patent vouchers that include voucher indicia as well as a machine readable code such as a bar code, which may be encrypted printed on prescribed paper(col 2 lines 61 to col3 lines 1-5, col 6: lines 14-26, col 1: 58-67).

Clapper JR also discloses attaching a printed material with the information onto dummy products such as phone cards, soft drink bottle cap or game tickets (col 1 line 58 to col 2 line 5, col 2: 23-35, 61 to col 3 line 5, col 6: lines 14-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Murata's invention to allow users to purchase dummy products with point information attached. One would be motivated to perform such modification to increase the options users have to accumulate points for digital content.

As per claims 8 and 19, Murata and Chu do not explicitly disclose methods of the center unit determining whether or not the point information has been used twice. However, determining whether or not the point information has been used twice is an inherent feature in the inventions disclosed by Murata and Chu. For example, Murata allows users to "cash in" their points for digital contents [42] and Chu solves this issue by deducting the points from the total number of points of the user each time a user view digital content [30].

As per claims 9 and 20, Murata further discloses wherein the center unit is provided with an equipment database that stores and manages the status of the vending machine in correspondence with the module codes. [53], [54]

Conclusion

4. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the

Art Unit: 3639

responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to vending systems in general:

U.S. Pat No. 3,718,906 to Lightner.

U.S. Pat No. 3,947,882 to Lightner.

U.S. Pat No. 4,359,631 to Lockwood et al.

U.S. Pat No. 4,864,618 to Wright et al.

U.S. Pat No. 5,222,624 to Burr.

U.S. Pat No. 5,235,519 to Miura.

U.S. Pat No. 5,769,269 to Peters.

U.S. Pat No. 6,199,753 to Tracy et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136.

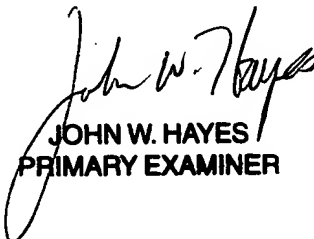
The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rw


JOHN W. HAYES
PRIMARY EXAMINER